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A
DIRECT ROAD,
TO
Peace and Happiness,
IN
Church and State.

ROM. 13. 1.

Let every Soul be subject to the higher Power, for there is no Power but of God: The Powers that be are ordained of God.

JER. 7. Verse 3, 4, 5, 6, 7.

Thus saith the Lord of Hosts, Amend your Ways, and your Doings; if you thoroughly execute Judgment between a Man and his Neighbour; if you oppress not the Stranger, the Fatherless, and the Widow, and shed not innocent Blood in this Place, neither walk after other Gods to your Hurt, I will cause you to dwell in this Place.

L O N D O N,

Printed for the Author, 1696.

24

DIRECT ROAD

TO

Peace and Happiness

IN

Church and State.

FROM

THE REV. JOHN W. LUTHER, D.D.,
OF THE UNIVERSITY OF CHICAGO.

NEW YORK: 1853.

THE REV. JOHN W. LUTHER, D.D.,
OF THE UNIVERSITY OF CHICAGO,
HAS THE HONOR TO ANNOUNCE
THAT HE HAS THE PLEASURE
TO ACCEPT OF THE OFFER
MADE BY THE BOARD OF
MANAGEMENT OF THE
AMERICAN BOARD OF
COMMISSIONERS FOR
FOREIGN MISSIONS,
TO BE THE EDITOR OF
THE AMERICAN BOARD
OF COMMISSIONERS FOR
FOREIGN MISSIONS
JOURNAL.

LONDON

Printed for the Author, 1853.

T H E
P R E F A C E.

I Will not trouble the Reader with the Arguments used, either for or against my publishing the ensuing Treatise; for in truth I suspect too many Persons resemble Apes (making use of the Cats feet to save their own) and as many more rather inclined to Revenge Injuries, or Quarrelling with Persons for their Offices; than to redress Crimes, or their Brethrens Grievances; and the Judgment of Friends, or near Relations, may be suspected to be Partial: So that I hold it best to advise with none, in matters of this nature, but such as are of the Heathen Philosophers Opinion in this, (*viz.*) That we are not born for our selves, but partly for our Country. And the Character which King Henry IV. (in his last Speech to his Son) gave of the People of England, holds true; That they are Wise, Stout, and True-hearted, if Rich, and Justly dealt with, and Religiously governed: But if Poor and Oppressed, they will Rebel. Their Wisdom is shewn by the Excellency of their Laws and Constitutions (a) for securing the Royal Estate, and their own Liberties and Properties: Time would fail me to shew what Provision is made, that the Crown and People may be well served; and how early after the Reformation the People restored (b) the Ancient Rights; Prerogative, and Authorities of Justice to the Crown, which were severed from it in Times of Popish Heresie and Usurpation, that the

(a) Stat. de Pre-rogativa Regis
17 Edw. 1.
1 Hen. 4. Cap. 6.
1 Eliz. 1.

(b) 27 Hen. 8.
Cap. 24.

(c) 31 Eliz.
Cap. 6.
(d) 12 Rich. 2.
Cap. 2.
5 & 6 Edw. 6.
Cap. 16.
2 Hen. 6.
Cap. 10.
(e) 1 Eliz.
Cap. 1.
5 Eliz. Cap. 1.
3 Jac. 1. Cap. 7.
7 Jac. 1. Cap. 6.
29 Car. 1. Cap. 2.
& 7 & 8 Will. 3.
(f) 22 & 23
Car. 2. Cap. 22.
4 & 5 Will. 3.
Cont. 6 & 7
Will. 3.
(g) 13 Edw. 1.
Cap. 50.

Administration might be free and undisturbed with Rivals
for the future: And what care is taken for the Election
(c) of Schollars, and to provide against Symony, (d) and
against Buying and Selling Offices; that Benefices and
Places of Trust may be given to none but Persons Worthy
and Meet; and not to any for Money, Brocage, Favour
or Affection: And how (e) all in Military as well as Civil
Employments, are obliged to take Oaths, enjoying them to
be true to their Trust; and that no Man shall be Judge or
Jury-man in any Matter where his own Interest may
incline him to be Partial or Unjust: And how (f) For-
feitures being settled, are to be duly answered to for the
Benefit of Discoverers, and to Charitable Uses, also to
be a Revenue to the Crown, for doing it self and Peo-
ple (g) Justice: And what Liberty the Crown hath to supply
all Defects in the Execution of the Laws, to make
them answer their true end; Also to Reward and Par-
don whom it thinks fit; And how the King, and all in
Authority under him, are obliged to punish none, but as
the Laws provide: The People well knowing, That when
the Crown suffers great Loss and Damage, by the Igno-
rance of the Unskillful, or by the Neglect, or Frauds,
or Perjuries of the most Knowing in Office, it will
occasion new Aids and Taxes to be laid on many: And
that the generality of Mankind love to be freed from
Duties; And that nothing more Discontents the People,
than when they see, that it is not Persons with most
Right, but longest Parse, or powerful Friends prevail;
or that even Right and Justice is not done to Poor and
Rich, without respect of Persons, as (h) the Laws pro-
vide: We all know, that wrong Doers will bandy to save
themselves, and Persons injured will seek redress; and if
they fail of their Ends, the first by Design, and the latter
by Mistake, may impute their Grievances to wrong Per-
sons

sons and Causes, and overthrow the Government which would set us all to Rights. 'Tis fresh in Memory, That the Abuses put upon Wards and others, by the Court of Wards and Star Chamber, occasioned the never to be forgotten Rebellion in 1641, which many thousand Persons, and whole Families, wofully experienced; who were not Guilty of the said Abuses, unless in being Remiss or Negligent to chuse worthy Persons to serve in Parliament, or that the Persons Chosen, did not timely Redress their Brethrens Grievances. And the People of England, who ever had the Reputation of Stout, have in this Effeminate and degenerated Age, signalized their Courage and Valour against the Common Enemy of Christendom.

England never had a King more resigned to the Common Interest of his Crown and People, than His Majesty upon all Occasions hath declared himself to be; And we never had more Pious and Learned Bishops, nor more Knowing Privy Counsellors and Judges; nor a Commonalty more freely left to their own Liberty to chuse their Representatives in Parliament to Redress their Grievances; Nor more frequent Parliaments, nor longer Sessions; Yet Discontents and Divisions abound unmeasurably: And from the Experience of a Grave and Learned Judge, who tells us, That the Law sees no Enormities, but by the Watchful Eyes of Diligent Officers: We may infer, That we may Wander and Perish in the Wilderness of our Discontents, if our Spyalls be Negligent, Ignorant, Unskillful, False and Treacherous: One would think, that the heavy Judgments which beset the false Spies, and the Children of Israel, by their evil Reports; And the Reward of Caleb's Integrity, should be a Warning to all now living, to be True to their Trust.

Preface of
Judge Dary's
Reports,

I have

I have been a Sorrowful Spectator for some Years, of the Miseries my Native Country hath languished under, by Divisions and Debaucheries in Opinion and Practice, and the Hellish Contrivances of our Enemies. And being under the Sacred Obligation of Oaths to serve His Majesty according to the Laws and Statutes of the Realm; and taught, as all Christians are, That they best express their Duty, when they be Serviceable Members as well of the State as of the Church: And that they are not to put their Candle under a Bushel, nor to hide their Talent in a Napkin, but to communicate their Knowledge and Experience to their Brethren, remembering them that are in Bonds as bound with them; and them that suffer Adversity, as being themselves also in Body; and well knowing that it is with such who are intrusted with the Cure of a Sick State, as it is with Physicians and their Patients, The most Skilful Physicians cannot Cure Diseases before they know them: If they give Physick at random, they may as soon Kill as Cure; and Physicians most visited with Patients, have least time to inform themselves of the true State and Condition of their most distempered Patients; and seeing most Diseases, when discovered, may easily be cured, if Opportunities of taking proper Remedies be not slipt. I did upon these Considerations, set my self at work to publish the ensuing Treatise; and what I have omitted therein, I would willingly supply by this Preface: Every Judicious Person knows, that most Feuds and Discontents are fomented by Suits in Law, Elections of Members to serve in Parliament, and bestowing Benefices and Places of Trust; and that when Disputes about any of them happen between Popular and Powerful Antagonists; and the Decision be no other than Silencing the Parties worsted for the present; it is but Healing the Wounds false;

false; and should the same Gangreen before discovered, it may occasion the Dissecting of Members, or Loss of Lives: We have had two Miraculous Revolutions, viz. The Restauration of King Charles the Second, and the Coronation of King William the Third; let us (having abused the former) make good use of the latter.

Every Tree is known by its Fruit: May not such as obtain Benefices by Symony, and their Benefactors, be suspected to be in Confederacy with such as Dispence with the Laws against Buying and Selling Places of Trust; and may not all the Confederates be suspected to be Supine and Negligent in all things, but what makes for their own private Interest or Profit; and will not such wink at Miscarriages, or bighten our Discontents, and retard the Redress of their Brethrens Grievances: If two or more be Competitors for a Benefice or an Office void, and it be given to one least Deserving, or bath least need, will not the rest be disoblged, especially such as be Impoverished with Loyal and Dutiful Services to the Publick; and may not the Persons disoblged by Mistake, impute the same to wrong Persons and Causes? Are not such as abuse Regalia's holden of the Crown Petty Tyrants? Were not all Benefices and Offices in the sole Gift of the Crown, before divested thereof by Grant or Usurpation? Do not such as abuse that Trust, sell both Crown and People, and make Religion, Liberty and Property, Stalking-horses for their Villainous Purposes? Is not the right and due Administration of Justice, all we have to depend on, to preserve us from the Oppression of Home-Tyrants? And what but the Propagation and Encouragement of the Fisheries, will increase the numbers of fit Persons to be Sea-men and Marriners to Man our Ships, that guard us from Foreign Tyrants? And who Obstructs the Administration
of,

of Justice, but such as Buy and Sell Benefices and Offices? And who makes great Destruction of the young Fry and Brood of Fish, and obstructs Navigation, and binder the Increase of fit Persons to be Sea-men and Marriners, but such as under the Umbrage of Grants of Liberties, for them, their Tenants and Farmers, to Fish in Royal and Navigable Rivers, erect Piles, Stakes, Keddals, Locks, with strait Wires or Wands, Werres, Dams, and Lett the same; and little Cottages, and small parcels of Land by such River-sides, to Farm at excessive Rent, and suffer their Tenants to Potch and Fish at unseasonable times, and with unlawful Nets, Engines and Devices: And are not Salmon (by their Destruction of Fish, full of Spawn, and feeding their Swine with the young Brood and Fry) sold at 12 d. per Pound in some parts, where it was sold for 1 d. and large Silver Eals at 6 d. or 8 d. per piece, where the like was sold for 1 d. And will not a Lamprey-Pye now cost 3 l. or 3 l. 10 s. where it might have been had for 12 or 13 s. to the great Dissatisfaction of the Country-Gentlemen; and the Oppression of the Poor, to whom Fish plentiful and cheap was great Relief: And are not some parts of Navigable Rivers, so annoyed with Stakes, Locks, Dams, Werres, and the like, that Vessels of 30 Tun cannot (where Vessels of 100 Tun used to) pass and repass: And have not such Tenants and Farmers, for the Lucre of Wrecks, Murdered poor Sea-men and Marriners that were escaping to shore: And how many poor Fisher-men, taken Fishing in places within the compass or space where Pretenders to Royalties claim any thing of Fishing, have been so ill treated by Farmers, Stewards, or Agents to Vice Admirals and Justices of Peace, that the Fisher-men who took several Apprentices, have been forced to betake themselves to other Employments ever since their usage

was

was so bad, by such who ingrossed the most convenient places of Fishing in Royal and Navigable Rivers, under the Umbrage of Grants of Free-Fisherries as aforesaid. Certainly such Vice-Admirals and Justices of Peace, as are Owners of Houses and Land near such Rivers, who pretend to such Liberties, cannot but know, that all the Ground, Soile and Fishery, in Navigable Rivers, (a) are the Inheritance of the Crown, as well where the Water at usual Spring-Tides cover the Ground, as where the Water runs and no Tides come; for that reason the City of London enjoy the same in Thames, as far as Stanes-bridge, by Grants from the Crown, and confirmed by Act of Parliament: And do not private Rivers cease to be private when made Navigable at the Countie Charge by Act of Parliament: And are not all Nufances in Private Rivers, relating to the Publick, and for preventing the Destruction of the young Brood and Fry of Fish, to be redressed by the King, or such as His Majesty intrusts, where Lords of Royalties and Franchiser are Remiss or Negligent. And do not such as have only Free Liberty or License to Fish in Navigable Royal Rivers abuse their Liberty, in case they hinder others Lawfully Authorized to Fish? Doth not the Statute 21 Jacobi 1. Cap. 2. which limiteth the Crown not to Sue for Lands or Hereditaments concealed by the space of sixty years, save its Rights to recover Franchises and Liberties bolden by Usurpation or Wrong? If a Subject grant leave to (b) another to dig in his Ground, may he not dig himself, or appoint others to dig also? And is not the Inheritance of the Crown, and its Royal Estate, as well secured, as any private Subject can pretend his own Estate or Property to be secured? Are not all Vice-Admirals prohibited to meddle (c) with any thing done within the Realm, but what are done upon the Sea? So that although Rivers be

(a) Bent Case
or the Case of
Royal Rivers.
Davis Rep.
fol. 56.

(b) Murr and
Brown's Case,
Inst. fol. 165.

(c) 13 Rich. 2.
Cap. 5.

very broad and Salt near the Sea: Yet are not all Offences and Trespasses done or committed in such Rivers, properly determinable infra Corpus Comitatus, where Vice-Admirals have nothing to do: And Justices of Peace ought to know, That Acts of Parliament, wherein the King is not named, (d) shall not take away the King's Right; And (e) that Acts of Parliament, empowering Justices of Peace to do what the King hath Right to do, shall not bar or hinder the King to do it; such Acts being intended to ease the King of Labour, not to debar or deprive him of his Rights, Power or Prerogative, (f) which is the most essential part of the Laws of England. And it's resolved, (g) That the King may at this day appoint a Water-Bayliff of all or any his Royal Rivers: And all Sages of the Law agree, That His Majesty may Erect and Grant a Court of Record, to hold Plea of what His Majesty's other Courts hold Plea of; and appoint reasonable Fees to support the same. Yet Vice-Admirals and Justices of Peace near Severn, dispute the King's Prerogative, and the Water-Bayliffs Jurisdiction in that River, which Office appears by Records in the Tower to be very Ancient: But what may not some by Mistake, and others in point of Interest, be guilty of? I have reason to believe, that had not His Majesty's Predecessors granted the Inheritance of the Office of Water-Bayliff of Thames, to the powerful City of London, Usurpations, Nufances and Trespasses had swarmed in that River, as they do in other Royal Navigable Rivers. What signifie our Laws declaring, That (h) the Publick Honour, Wealth and Safety of this Realm, as well in the Maintenance and Support of Navigation, as in many other respects depend on the Improvement and Encouragement of the Fishery: And the many Laws in force for the Preservation of the young Brood, and Fry of

(d) Inst. fol. 43.

(e) Dyer 225.

Mo. Rep. 146.

(f) Inst. 1 part

fol. 19. 2 part

fol. 43. 6.

(g) Bams Case,

or the Case of

Royal Rivers.

Davis Rep.

fol. 36.

(h) 13 & 14

Car. 2. Cap. 28.

of Filth; And to hinder Royal and Navigable Rivers to be choaked up with Filth, or annoy'd with ought that may obstruct Navigation: Nay indeed what signifie all our wholesome Laws to secure our Liberties and Properties, if a stop be not put to such as recommend unfit Persons to Places of Trust? I verily believe, that such as dispence with Oaths and Laws, and magnifie the Number and Power of their Parties, by Trading with Benefices and Places of Trust, as the Pope and his Priests Traffick with Pardons and Indulgences, are Conscious to themselves, That they are no true Subjects to the King of Great Britain: And that they and their Parties, are but a handful of Men, compar'd with the vast Numbers of good Subjects griev'd with their Frauds and Perjuries. If ought I propose for a Cure of our Discontents be deficient, I submit the same to be supplied by the Wisdom of the Government; and because every Subject, as a Member of the State, is bound to serve the Head, and 'tis easier to add to an Invention, than to find out how or which way to make the first Essay, I have communicated my Proposals in a plain and familiar Language to my Country-men, that the weakest Capacity may judge of them, and propose his own, which he thinks better, having experienced what unlikely Persons have done: Who would believe, did not Records witness, that a Soldier should invent Printing, and a Monk Guns: And I know that the King, and the Lords-Justices, being busily employ'd about weighty Affairs, want Leisure to read my Treatise. However some Judicious Readers may happily agree with me, and have opportunity to give His Majesty or the Lords-Justices to understand, that a Registry of the Names of Persons doing Good Services, orderly kept, and rewarding them duly, and the Reports or Recommendations of Societies for supplying Vacancies of Benefices

nefices and Offices, where none in the Registry be fit for
 the same, will make the Crown and People be well
 served: And that if the same be not done, or some other
 way found out, to avoid the Secret Intreagues which pass
 all Understanding between Judges and Officers, and
 Obscure Persons, who abuse Noble Persons and others, that
 have the Disposition of Benefices and Places of Trust, the
 Avenues of Justice will be stoppt. I had made Coin and
 Bullion part of the subject Matter of my ensuing Trea-
 tise, but that the Lords-Justices issued out their Procla-
 mation to supply the Defects of the Laws relating thereto,
 by promising a Reward of a Moiety to Discoverers; but
 it is to be feared, there are so many secret ways of convey-
 ing Coin and Bullion out of the Realm, in Packs of Cloth,
 and Casks, with Liquors, and the like, that unless Coin
 and Bullion be made more valuable here, if but one Far-
 thing in an Ounce, than in any other part of the World,
 the Exportation will hardly be prevented: However I
 am glad to see the Government sensible of the Necessity of
 rewarding and encouraging Discoverers, because they run
 unspeakable Hazards, by discovering the undue Practices
 of ill Men, who we know will both give and take Bribes,
 and leave no Device or Trick untried, to take away the
 Lives, Estates and Reputation of Discoverers, and to
 stifle their most true and faithful Discoveries and Propo-
 sals; for that reason I had rather leave such Self-inte-
 rested Ill-principled Persons to guess at my Name, than
 know it by Subscription: And seeing there is no Man
 living, but what is envied by some; and that a Preju-
 dice entertained against a Person, will hinder some Rea-
 ders to profit by his Works, upon that account also, and
 by what King Solomon saw or experienced, I hold it
 best to subscribe no Name,

Eccl. 9. v. 13 to
 the end.

V A L E.

A Direct Road, &c.

READER, I foresee, some will Object, *That* ^{1. Rich. 2. Chap. 2. 5 and 6 Edw. 6. Chap. 16.} *'tis impossible to supply the Defects of the Laws, for having Persons Worthy and Meet, and none other, advanced to Offices;* Therefore I determine thus, That all things are to be held possible and performable, which may be accomplished by some Persons, though not by every one: And which may be done by the United Labours of many, tho not by one a part: And in brief, which may be finished by the Care and Charge of the Publick, tho not by the Abilities and Industry of private Persons. If for all this there be any, would rather take to himself, That of Solomon, *Dicit piger Leo est in via*, Than that of Virgil, *Possunt quia posse videntur*: It is enough for me, if my Labours may be esteemed Votes, or rather, the better sort of Wishes: For as it asks some Knowledge to demand a Question, not impertinent; so it requires some Understanding to make a Wish, not absurd.

I wish all Men were true Protestants; And that all His Majesties Free-born and Naturalized Subjects understood the Law, which saith, *That their King is the Father of their Country; The Fountain of Justice, and the Patron and Protector of that Church, which is endowed with universal Charity: The very Bond of Peace and all Vertues, without which, whosoever liveth, is accounted dead before God:* None questions the Kings Legal Power, or who made him King; but such as are of the *Israelites* kidney, that questioned *Moses*,
B
who

who made him a Ruler and a Judge, and caused him to fly his Country for doing a Brotherly Office.

The King is a wise Prince and a profest Protestant, had he time to read the Case, and Petitions of his meanest Subjects, he would certainly do them speedy and cheap Justice, It is his Misfortune, as well as thine: That he is busily employed, *Circa Ardua negotia regni.*

The Heathen Philosopher, that could say, *We are not born for our selves, but partly for our Country*, Condemns all Free-born and Naturalized Subjects (especially such as are under the obligation of Oaths and Associations to be true to his Majesty and his Government) that are not as serviceable as they may, or can be. Can any profest Protestant be ungrateful to His Majesty, that calls to mind, the many eminent Dangers, both by Sea and Land, to which his Majesties Sacred Person hath been so often exposed, to secure Protestants from *Arbitrary Power* and *Papery*? and sees how freely His Majesty leaves all things to be settled and done in *Parliament* for the common Interest of the Crown and People: So that if we be not wanting to our selves, we may be as happy as we can hope to be in this World and the next.

Therefore Reader, I will offer to thee such things, as I conceive necessary to be Communicated for the Service of my King and Country: If any thing be disliked, or not well approved on, let thy Charity pardon me, it being well intended; and remember it was not the Widows Mite, but her willing Mind to Contribute more, made her Present acceptable: Let not private Interest, Favour, or Affection, sway thy Judgment; read diligently, and judge Impartially, and give grains of Allowance to thy weak

weak Brother, who exhorts thee in the Apostles words; *Remember them that are in Bonds, as bound with them, and them that suffer Adversity, as being thy self also in the Body.*

In private Families should the Husband Command unreasonable things, or the Wife dispute her Husbands reasonable Jurisdiction, or the Children their Parents, or the Servants be Judges in their own Case, what distraction would inevitably ensue, in case Law and Equity were not Umpire.

Art thou compelled to take Oaths, and Subscribe Associations, thou art bound and thou must obey, or suffer what the Law Inflicts for thy disobedience; if thou discharge thy Oath and Duty, and suffer any loss or damage for thy Obedience, the Government is bound to make the reparation and to Protect thee: If a Law be attended with Inconveniences which were not foreseen at the time of making, and thou art prosecuted by force thereof, the King can stop proceedings, until the *Parliament* meet to Annul it, or Amend what is therein Amiss. Art thou Oppressed by the neglect, or *Non Execution* of any wholesome Law, the King can Command the due *Execution* of it? Hast thou Consumed thy Estate, and contracted great Debts in discharge of Oath and Duty, and dost thou want Subsistence for thy self and Family, and will not thy Creditors forbear troubling and restraining thee of thy Liberty, and will not the Government relieve thee? Commit thy Cause to God, he is the relief of the Oppressed, and can make thy case known to the King, as he did *Mordecais* to King *Abasuerus*. Doth any in Authority under His Majesty, upon any Account whatsoever oppress thee; His Majesties Proper Courts can Right thee?

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Are the Judges thereof Parties concerned in point of Interest to favour thy Opressors and wrong thee, or do the Judges, or such as the King intrusts to do thee Justice, deny or neglect to do their duty; thou hast a just and wise King to apply unto, whose Power and Prerogative is the most essential part of the Law: *It is*, saith a Learned Judge, *A Sanctuary for the oppressed to fly unto, a Fortres to the weak to retire unto, and a Curb to the insolent.* So that thou mayest depend on Justice at His Majesties hands, because His Majesty can do no wrong; But the wisdom of the Law knows, that His Majesty sees with others Eyes, and hears with others Ears, and acts with others Hands; and that they may be guilty of abusing and wronging thee: Therefore the Law inflicts severe Punishment on such in Authority under His Majesty, as deceive His Majesty by ill Advice, or do, or suffer any thing to be done against the Honour and Interest of His Majesty and his People; and His Majesty may, when he thinks fit, Sit in Person and see Justice done to any of his oppressed or injured Subjects, for His Majesty is Supream Chancellor of *England*, and none is to depart his Courts without relief: And had His Majesty time and leasure to make one or two Presidents of Persons exemplarily punished for breach of Oath and Duty, it would ease His Majesty of much trouble, and make His Majesties Reign Glorious. Dost not the King understand the Laws, and will not his Council advise him right; thou hast thy representatives in *Parliament*, to make thy Case and Condition known to the King: Are thy Friends to Justice, out-voted by Parties intressed to favour thy Opressors and wrong thee? Thou hast frequent *Parliaments* to apply unto, Art thou affraid the People

ple will chuse the same Members? Every body knows that old Brooms being stumpy and stubborn, will scratch and leave Filth & Rubbish in Holes and Crannies, where new Brooms, being bushy and pliant, will sweep clean: However, thou may do well to give thy Fellow Electors to understand, That the Law allows not Parties interested to be either Judges or Jury-men, and that under Sherffs are not allowed by Law to be in Office above a Year at a time; because the Law presumes, new Sherffs are not so Crafty as the old, nor will be guilty of their Tricks and Fallacys: And it may be believed, that it is as requisite for none but indifferent Persons to have Votes in the High Court of *Parliament*, as to have indifferent Judges and Jury-men in the Inferior *Courts*, and that new Members to represent the People, may be as necessary as new Sheriffs in every County; let the People know the particulars of thy Case, and how thou art Oppressed, and by whom, and for what, and thou mayest happily prevail with them to chuse such to represent them and thee as live among them, and do all the Neighbourly good Offices they can. For the People of *England* are naturally Stout, Generous, and lovers of Justice, and will do all things that may suit with the Honour and Interest of their King and Country; and though Inhumane Wars, Plots and Conspiracies, have depraved their natural Tempers and Dispositions: Yet in process of time they will be reclaimed, and thou mayest be successful: Thou knowest that the unjust Judge in the Parable, who neither feared God nor revered Man, was wrought upon by the importunate Widow to do her Justice, *Gutta Cavat Lapidem non vi sed sepe Gadendo.*

For

6
For the supply of good Men to serve the King in Church and State, I humbly propose;

1. That none (for the time to come) may be admitted to Holy Orders, until he hath taken his degree of *Batchelour of Arts*, in one of the two Universities of *Oxford* or *Cambridge*.

2. That when a Bishoprick, or Benefice is vacant; the King or the Patron in whose gift the Benefice is, may give notice to the *Chancellour* or *Vice-Chancellour* of the respective Universities of the Vacancy: And the two Universities may in an Orderly and Regular way, as they chuse Members to represent them in *Parliament*, proceed to Elect, in each University, a fit Person to supply the Vacancy: And the King or the Patron may divide by Lots, which of the Persons so Elected and Recommended, shall be Instituted and Induced, to avoid disobliging any body; because *Lots causeth Contention to Cease, and parteth between the Mighty*, Prov. 8. ver. 8.

3. That all small Livings may be Augmented and made sufficient Maintanance, and Subsistence for the Incumbent.

4. That all manner of great and small *Tiths*, as soon as Benefices be vacant, be sold to the best Advantage by fit Persons to be appointed by His Majesty in the vacancy for that purpose; and that all Sums of Money, raised by the Sale thereof, be laid out in Land that the Incumbent may be free from looking after, and gathering in the *Tiths*, whereby all occasion of differences and disputes between *Parsons* and *Parishioners* upon Accompt of *Tiths* may be avoided.

5. That so much as may be adjudged requisite to be taken off, or away from great Livings, may be applied to and for the Augmentation of small ones;

or

or that the Augmentation be made by a general Tax, or that the first years Profits of Temporal Offices when they become void, as well as the first Fruits of Spiritual Livings, when vacant, be made a Revenue and applied to that use.

That no Person be permitted to hold, or enjoy two Livings.

That the small Salleries of all Offices in Church and State, may be Augmented, Inlarged, and made sufficient; that the Officers need not be put to upon Shifts to pay themselves at the Nations Cost.

That all Discoverers of Officers Undue Practises, and such as make proper and advantageous Proposals for the Redress of any Grievance fit to be remedied, may be duly encouraged; For, as Secretaries and Spials of State are allowed to bring in Bills for their diligence in the Inquiry and Discoveries of new Occurrences and Secrets in Forreign Estates: So if Encouragement be not given for home National Services, you shall never be advertised of many things most worthy to be known; Examples enough of this kind in all Flourishing States and Governments may be given to demonstrate the necessity and usefulness thereof.

That a Registry may be kept of the Names of all Persons doing good and publick service, and that the Poorest sort, may according to their Services and Qualifications be advanced to Offices as they become void, in the First place; and the Richer sort to be provided for afterward in like manner.

That in case not any in the Registry be Qualified for the Office void, and if the Office be in the Kings Household, Excise, Customs, or else where, and not in any of his Majesties Courts of Law or Equity; and

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and if two or more be Competitors for it, his Majesty may for his own ease, appoint indifferent Persons to be Tryers and Examiners of the Petitioners Qualifications? and if such Tryers find two or more equally Qualified for it, the Preference may be divided by Lotts, because 'tis morally impossible otherwise to Gratifie one of such Petitioners, without disoblighing the rest: And Persons disoblighd are apt to be discontented and factious, and if Partiality be not avoided in bestowing Offices, as well as Benefices, the Administration will be *Male* and Partial *Ad Infinitum*

11. That upon the Vacancy of a *Judge, Attorney, Soliciter General*, or other of the Kings Council at Law, the *Inns of Court* may in every of their Societies Elect one fit to succeed; and his Majesty may order Lotts to determine who shall succeed.

12. That when any Office in any of the Courts of Law or Equity fall void, the *Inns of Court* and *Chancery* may in every of their respective Societies, Elect a fit Person to supply the vacancy; and Lotts may in like manner decide which of the Persons so elected shall Succeed the Officer Deceased or Removed.

13. That the *Judges* may have certain and sufficient Salleries settled as the (a) Laws intended to support the dignity of their Places, in Liew of all Contingent *Fees, Profits* and *Perquisites* which now arise and increase, as Suits and Proceedings multiply.

(a) 18 Edw.
3 St. 4. 20
Edw. 3 Chap.

14. That Suitors may not wait and consume their Substance by *Fob Bills, Feigned Pleas, Writs of Error* and the like, for delay, or to Protract time, which be expensive and troublesome to *Plaintiffs* and *Defendants*; the *Judges* may be impowered to allow such time for the ease and benefit of Suitors, as may be ob-

obtained by expensive Shifts, Tricks, and Falacies.

That no Person, unable to pay or satisfy his Creditors their whole Debts, may be kept in Prison; unless every Creditor, at whose Suit the *Defendant* is deteyned, do pay every week the Sum of to and for the *Defendants* Maintenance and Substinance; because Prisons destroy Debtors willing, but unable to Pay their whole Debts, and put them out of all Capacity to be serviceable to themselves and others, whereby their *Wives* and *Children* become Burthenfome to the Parishes they Live in: As for the Debtors Real and Personal Estates, they may be Subject and Lyable to be Seized and Distributed Equally among all the real Creditors; But if a Debtor hath no Estate but what is employed in his Calling, Trade, or in some Occupation or Lawful Course of Living, and doth out of the Product thereof pay to his Creditors what he can reasonably spare (over and above his own *Wife* and *Childrens* Necessary and Competent Subsistence) Then the Creditors to take their Debts in proportion as the same can be raised: And the Debtors Estate, or Effects, so Employed, to be exempted from all *Seizures* and *Executions*.

That the *Attorney* and *Solliciter-General*, and every other of the Kings *Council* at Law, may be allowed certain and sufficient *Sallarys* to Plead and Maintain *Actions*, populer *Informations* and *Pleas* of the *Crown* Gratis; and may be Prohibited to Practice and take any *Fee* in Causes between Party and Party, and may be set at work to Correct the Errors and Mistakes in our Law Books, and Explain doubtful Points, and expunge such things as too often misguide young *Students*, to their *Clyents* great loss and damage.

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That all *Grants*, or *Letters Pattents* of *Crown-Lands*, not already Confirmed by *Act of Parliament*, may now be Confirmed, because the same are dispersed and gotten into the hands of many Persons by mean *Conveyances*, *Statutes*, *Judgments*, *Extents*, &c. and many of the Grantees and Venders are unable, in Case the same be restored to the Crown to repay the Purchase-Money, or make or give any Satisfaction to the Purchasers thereof: And the dread of Acts of Resumption makes the Possessors of such Land, against their own Inclinations, Chuse such to represent them in *Parliaments* as be the Venders, or their Heirs, or interested, to oppose Acts of Resumption. And their Fears and Jealousies, occasions Factions and Disturbance.

18.

That Elections of Members to serve in Parliament, may be so settled by Ballot or Boxes, that Electors may not be known for whom they Vote or give their Voices; because many chuse their Oppressors (as the *Indians* Worship the *Devil*) that they may not hurt them; and the fewds and differences between Neighbours and near Relations upon accompt of Elections are wofully experienced in many places.

Object.

Many Persons have lost, or may loose their Lives or Estates, or both, by doing good and Publick Services, and their Widdows or Children may not be capable of Offices; and the Government is so much in Debt, that the King cannot reward them with Pensions.

Answr.

The King is so Just to his Parliaments, That he will not give Pensions out of any Branch of his Revenue Appropriated to the War, or to pay debts: And if the Branches not Appropriated, be not sufficient to Reward Services, the People will readily Pay any Tax or Imposition to Reward good Services Liberally; be

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because it is for the Honour and Interest of the Nation so to do.

Many Advowsons and Benefices are the Inheritance of private Patrons, whose Right of Prescription cannot be taken away, without invading their Property.

Object.

Records are Living Witnesses, Testifying, That Lands, Benefices and Offices, were in the Gift and Disposition of the Crown, when *William the Conqueror* obliged his true and faithful Friends and Servants therewith: And we read not of any privy Conspiracy or Rebellion against any of his Successors until those Favours were bought and sold; and Purchasers so abused both Crown and People, That most Dependants on the Crown, were under the slavery of ill Officers and Guardians, who Bought and Sold young Heirs being Wards, and made few or none of them fit for the Service of their King or Country.

Answer.

Private Patrons, abusing their Trust, occasioned Laws to be made against *Simony*, and such as abused their Trust by Selling Offices under the King, occasioned the Laws against buying and selling Offices and Places of Trust; and ill Officers and Guardians oppressing Wards, made Tenures and Services in Capite be turned into free and common Soccage: And with humble submission, all those Laws will be sufficient until some way be found out, that it may not be in the power of any in Authority under the King, or by a derivative Power, to make ill Ministers or Officers in Church or State.

Private Patrons can make no manner of Benefit of their Presentations, without dispensing with the Laws against *SIMONY*: And though

such as influence their younger Sons to be Parsons; and give or procure them Benefices in lieu of their Portions, may be winked at by such as are guilty of dispensing with the Laws against Buying and Selling places of Trust: Yet the People of *England* who love Justice, and the Laws that provide against any to be advanced to Offices of Trust, for Money, Brocade, Favour or Affection, certainly intended that the Trust for the cure of Souls should not be Committed to *Sismaticks*, or such as will either Buy or Sell their Trust.

Object.

'Tis believed that the Judges and Officers, who are Expolitors and Executioners of the Law, Buy and Sell Offices and Places of Trust; And that others do the like by their Example.

Answer.

Magna Charta
9 Hen. 3. Chap.
29.

22 Hen. 6. C.
10. 12 Rich 2.
Chap 2.

h. 5 & 6. Edw.
6. Chap 16.

c. *Petition of*
Rights 3. Car. 1.

18 Edw. 3. S.
20 Edw. 3.

Chap. 1.
c. *Inst.* 3. p. 117.

143. 148.
Vernons Case

Inst. 1. Part Fo.
234.

11 Hen. 4. C. 6.
1211. 1 Part Fo.

32.

He that Buys will Sell, but the Law provides, That Justice shall not be Sold, Delayed, or Denied to any; That, (a) not any Person shall be advanced to Offices for Money, Brocade, Favour or Affection, but upon Merit: That (b) he who sells an Office, shall Forfeit his Estate therein, and he that buys, shall be disabled to hold it: And (c) Every person is Sworn to serve the King, according to the Laws and Statutes of the Realm.

(1) It is also adjudged Bribery for any in Judicial place to take Money, Fee, Gift, or ought of value of any private person: And (c) upon the Laws against Buying and Selling Offices, Judgment was given against one that sold an Office, to lose his Estate therein, and the Purchaser was adjudged disabled to hold it, whereupon it was granted to a third Person for life.

(2) It is also provided, That such Persons as challenge any Office or other thing of value by Grant, without expresse Mention of the name and value, shall be punished

shed for Deceit : And the Grants shall be void. And not any inferiour Office by exprefs name, being mentioned in any Grant, Commissions, or Letters Patents to any of the Judges, or great Officers, they have not any Right or Title thereto.

Offices are Propper Rewards for good Services, It was therefore provided, That such as had been Serviceable to the Publick shall be rewarded with Offices of the Kings Gift: And Offices are incident to the Administration, and Originally instituted to support it; and the Administration is inseparably United and Annexed to the Crown : Consequently Offices incident thereto, are the Inheritance of the Crown, and by force of the Stat. 5 and 6. *Edw. 6 Chap. 16.* The King may make a Revenue thereof.

The many Presidents upon Record shew, That either former Kings understood their own Right to Grant Offices, or had knowing and honest Ministers for the Office of Prothonotary, Register, Clark of the Crown, Incorporation of the Six Cleks, Curstiers, and others in *Chancery*; The *Custos Brevium*, Clerk of the Crown, Chief Clerk or Prothonotary, and others in the *Kings-Bench* : The *Custos Breveum* Chyrographer Clerk of the *Treasury*, and others in the *Common-Pleas* : The Treasurer, Remembrancer, Clerk of the Pipe, and others in the *Exchequer*, were (and most of them are now) Granted and Enjoyed by Letters Patents, *Pari ratione*, His Majesty may Grant all other Offices of like nature and Tenure.

When any Minister under Colour of his Office, Challenged the right of Granting some of the said Offices, and the dispute between them and the King about the Right, came to be fairely debated; It was Adjudged for the King, by reason such Acts of Parliament

1 Hen. 4 Co.
Inst 4 Part Fd.
56.

Vide the Pre-
sents upon Re-
cord in the
Tower, and
Rolis Chappel.

Dyer 127.

Hob R. 46.

liament as Impowered the Ministers to do what the King had right to do, shall not barr or take away the King's Right: But the same remain full and perfect, because such Acts were intended to ease the King of Labour, not to deprive him of his Power and Prerogative* which is a most essential part of the Laws of *England*.

* Inst. 1. Part
Fo. 119. 2. Part
F. 436.

a Inst. 1. Part
Fo. 42. Cook
11 Re. Mag.
Coll. C. se.

That Acts of *Parliament*, wherein the King is not named^a shall not barr or take away the Kings right, and that General words in *Acts of Parliament Grants, Use, Custom, or Prescription*, shall not devert the *Crown* of any thing originally, and of right belonging to it.

Inst. 2. Part
Fo. 15.

b Ibid. 1. Part
F. 117.

That not any can prescribe to the Temperaltys of a *Bishop*, because they are incident to the Person of the King, as Patron and Protector of the Church; and all Courts of Justice are the Kings, as Administrator of Justice: And Offices incident to his Administration, being inseparably United and Annexed to the Imperial Crown, cannot be severed from it^c but by special *Grant* or *Act* of *Parliament*:^d Because all the People of *England* have an Interest in the Rites of the Crown.

c Hob. Rep.
261. d Idem.
226. 342.

e Ibid. 347.

^e Where the Crown hath a Right it cannot loose it, and not any thing shall pass out of the Crown but by special Grant; neither shall Officers Compact Defeat the Crown: And not any inferiour Office was ever granted by name to any Minister or Judge, because^f by the Ancient Rule in Law, not any is to enjoy two Offices and Rules in Law, cannot be broken without doing abuse and deceit to the King; and^g Judges are Charged upon Faith and Oath to Punish; but if they in their own right grant Offices, they are Punishable when their Officers offend, and

f Inst. 4. Part
Fo. 100. Hob.
R. p. 155.

g 13. Edw. 1.
(Ch. 44.

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it's against a Rule in Law, for any to be Judge and Party.

Henry the 8th. Granted the disposition of Fellons Goods to his *Almoner*, and without reciting and revoking the same, did grant divers Fellons Goods to one *Hales*; and the *Almoner* disputed his right, because the *Stat. 6 Hen. 8. Cap. 15.* Saith all after Grants not reciting and revoking the former, shall be void, yet the latter grant to *Hales* was Adjudged good against the *Almoner*; because he was only a Minister in Trust for the King: And great Officers are no other, neither have they such expresse Grants of the disposition of Inferiour Offices, as the *Almoner* had of Fellons Goods.

King *Edward 1st.* Granted the Office of Master of the *Rolls* to one for life, and settled the disposition to be ever after in the gift of the *Chancellour* or *Keeper* of the Great Seal for the time being; yet it was adjudged when the Office of the Master of the *Rolls* was void, to be still in the Kings gift, notwithstanding the settlement: And many other Offices when their right of Granting was disputed, were adjudged to be in the Kings Gift.

In Case the Judges had a right, as they pretend, it must necessarily terminate upon their own Death or Removal; yet they presume to grant Estates in Offices to others, for one, two, or more Lives, which Grants are Illegal, being against a Rule in Law, that saith, *None shall transfer a greater Estate then he hath.*

The Law ever looked upon the Injurious Acts of Persons in Office, to be worse then Robbing on the High way, Because a Thief can take but what thou carriest about thee, but wresting the Law or executing it Partially, may destroy Men and their Posterity

Cock Rep. Almon Woods Case.

*Inst. 3. Part 9. 95. 96. 9
Edw. 4. Fo. 6,
7. 18 Edw. 4.
Fo. 7. Dyer
176 Hob. Rep.
153.*

Plow. Com.

563.

Dyer 231. 313.

Brook 77.

Inst. 1 Part

381. Co. Rep.

Alton woods

Case.

Heydens Case.

rity. All Laws are to be Expounded most Beneficially to make them answer their true End, for suppressing the Evils they intend to remedy; and the Construction which the Judges make of the proviso in the *Stat. 5 and 6 Edw. 6. Chap. 16.* for them to sell is repugnant to the Laws against Buying and Selling Offices; neither doth that proviso repeal the *Stat. 12. Rich. 2. Cap. 2.* So that the Judges can but do as they might have done, that is to say, for the Kings Ease, or untill his Pleasure be signified to the contrary; they may supply Offices void, so that there be no failer for want of a propper and fit Person in the Execution of the Law: And the Kings of *England* had no reason to trouble themselves with Offices upon the first Erection, by reason they were few and small, and of little value, but now they are many and of great value, and would raise a great Revenue without disobliging any body: For when an Office is void, and in the Kings gift, any man will be glad of the Moity of the Profits to live on, and to pay the other Moity to the King for two Years, and to have the whole after the Expiration thereof, without paying any thing out of his own Pocket, because then the Officer will not be put upon shifts to raise his Purchase-Money, or reimburse himself, as too many have been of Late years. And if Persons that do good Service, be released from paying their first years Profits, the Obligation or Indearment will be greater.

Object. In Case Offices be in the Kings Gift, why should you propose the same to be Elective by Societys, as aforesaid.

Answer. I Propose none to be Elective by Societys, but in Case where there is not a Person in the Registry of good

good Services, Qualified for the Office void, and that will make all his Majesty's Subjects strive to Excel each other in Dutiful and Loyal Services, and qualifie themselves for good Offices and Employments; were Persons Qualifications written in their Foreheads, there needed no Tryers or Examiners, or any Report or Recommendation, who are fit, or unfit: But seeing his Majesty desires nothing, but to be well served, and have his own and his Peoples business well and carefully done. And Tryers, and Examiners, and Societies, where Persons have not done any signal Service to recommend them, may reasonably be believed to be more indifferent and impartial in their Reports and Recommendations, than private Persons, who may be suspected to make it their business, for Money, Brocage, Favour or Affection, to Procure Offices; and seeing it is hard to distinguish Generous Noble Souls, from such as are Mercenary, and Sell their Prince's Favours: It is, as I conceive, the Interest of a Prince to prevent Evils which may be secretly Transacted, against the Honour and Interest of His Majesty and His People: whose Interest being united, cannot be severed; for that Reason, whenever a Private Interest comes in Competition with a Publick Benefit or Advantage, Judgment is to be given, *Pro Communi utilitate Regis & Populi.*

Records shew, that King *James* the 1st. had not Reigned above Three Years, before the most Horrible *Gun-Powder-Treason Plot* was Ripe, and ready to be put in Execution, at a time when the People were much Dissatisfied and Discontented with Favorites, Monopolizing old, and Erecting new Offices of Profit; whereupon his Majesty Issued out his *Declarati-*

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on, to put a stop to all further Suit to be made to him for new Offices; and Judgment was given against some that had Bought and Sold Offices, to Lose both Money and Office: And had the Disposition of Offices been so Settled, that it had not been in the power of Favourites to have over-ballanced the Administration with Ill Men, *Wards* and their Estates had not been made a Prey to Ill Officers and *Guardians*, which occasioned the Murder of his Son, and the Exile of his Grand-children. And had not the Favourites of King *Charles the Second* discontented the People, by neglecting such as had Lost all by their Duty and Loyalty, and over-ballanced the Administration with such as were glutted with the Spoil and Pillage of the Crown and People: *England* might happily have Flourished in his Reign, but the *Jesuits* you know are very Rich and Cunning, and they, the *French King*, and the *Devil* their Master, ever took care to disoblige such most as had done their King and Country the best Service; because their Complaints lie heavy upon the Shoulders of the Government, and Friends disoblige, that will be *Male-Contents* and Disaffected, are the worst of Enemies. It would fill a Volume to particularize how and which way they divided our Councils in the late Reigns, and sowed Strife and Debate among their late Majesties Household, Servants and Favourites, and set up one Party or Faction, to pull down another, and made one Party jealous of another, and both of the King, and the King of them; and what Aid and Assistance was given to the Party or Faction that Debauched or Discontented the People most, and Ripened them for Rebellion; and how the Crown was Stript of its Ancient *Regalia's* and *Inheritance*,
and

and how the same were Sold by the Grantees, and dispersed into many private hands, that when the Crown stood most in need of Aids and Supplies, there might be Squabbling about Acts of *Resumption*, mispending the Publick-Treasure, and what not.

Doth not this Popular way of Electing and making Clergy-men and Officers, put the Staff of Government out of the King's hand?

Object.

There is a Law already in Force against Abuses in Election of *Schollars* and Presentation to Benefices; And you may remember His Majesty, upon his acceptance of the Administration, desired the *Parliament* to Name Officers; because his Majesty had knowledge of few Persons, or their Services, and his Majesty looked upon the Representatives of his People to be most knowing and impartial: And undoubtedly had they Recommended, they would not have neglected any that had done any Generous Service for the Crown and People.

Answer.

You have seldom any Benefice or Office of Value becomes void, but several be Competitors for it, and every one prevails with some to be his Intercessor; and it is Morally impossible to gratifie one, but the rest will be apt to disrellish their disappointment.

Signall Service and Societies, Electing and Recommending Persons and Lots deciding the Preference of the Persons Elested and Recommended, will disoblige no body, but a few private Patrons, that would influence their younger Sons to be Parsons, to give or procure them Benefices in Liew of their Portions; and such as dispence with the Laws against *Simony*, and Buying and Selling Offices, are but a handful of Men gratified, to the vast numbers of His Majesty's Sub-

jects will be indeared by a right disposition of Benefices and Offices.

This Method Propofed, will certainly ease the King of much Trouble, and leave no room for his Majesty's Enemies to blame His Majesty; 'Tis not Ordaining, Naming, or Making Officers, but their Rewards or Punishments well placed, wherein the Staff of Government rests: And while His Majesty hath Full and Sole Power to Reward such Liberally as are found True and Trusty, and to Remove and Punish such as are found False and Treacherous, His Majesty may keep the Hearts of his People Firm and Fixt, which Commands their Hands and Purses: And such as Mis-behave themselves, will then have no Parties or Factions of their own Making, in Church or State, to fly unto.

You know the People upon His Majesty's Access to the Crown, were as Debauched as the *Devil*, the *Jesuits*, and the *French King*, in the late Reigns, could make them; yet being true to their Common Interest, and stedfastly believing His Majesty would be so, they planted the Crown upon his Sacred Head, and his Majesty hath most intirely followed the Advice and Counsels of his *Parliament*, to the great Joy and Satisfaction of all good *Protestants*; and never People gave greater demonstration of Love and Duty to a Prince, than the People of these his Majesty's Realms and Dominions have done to his Majesty; and long may their Mutual Love and Affection continue and increase, are the hearty Desires of all that truly wish the Peace and Safety of *Great Britain* and *Ireland*, and other his Majesty's Dominions.

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Are not many private Patrons, and such as have or claim the Presentations of Benefices, and Disposition of Offices, *Lords of Mannors*, and Men of Power and Interest, to Influence *Boroughs* to Elect them: And have not *Burgesse*s equal Voices with Knights of *Shires*, then how can these Proposals take effect?

Object.

The People know that the Commons of *England* in Parliament assembled, are the Grand Inquest of the Nation, and that their Laws express their Aversion to every thing that smells of Partiality or Private Interest; and will any Man of Sense omit his Challenge of an Array or Pannel, or not take Exception to any returned upon a Jury, to give Verdict of a thing in Question concerns him: And will Men of Understanding chuse such to represent them in Parliament; as be Parties Interested to oppose any thing that is fit to be done for the Common Good and Benefit of the Crown and People.

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You know the Advancement of such as signalize themselves by their Services, will be, without all doubt, well liked by every body; and such as are not signalized by Services, cannot be Advanced, but upon the Report of some body; if of particular Persons, their Report or Recommendation may be suspected to be Partial; so that you may believe private Patrons and Office-Jobbers will not be able, by all their Artifices, to delude the generality of the People, who heartily desire and wish that the Clergy were had in due Reverence and Esteem; that none but Persons Worthy and Meet, may be Advanced to Dignities, Benefices, and Offices; and that such as have good Estates, and Work enough to Husband and Manage

nage the same well, were not put into Offices of Profit, to keep younger Sons of Parents, well descended, out of such Employments as they are fitly Qualified for, and have Time and Leisure to be more Serviceable in: That all Loyal and Dutiful Services were Liberally Rewarded; That all under any Oppression for discharge of Oath and Duty, were Relieved, and due Care taken of the Poorest of them in the First Place.

Object. But Boroughs, wherein are few Inhabitants, will hardly consider ought but their own private Interest.

Ansiv. Some may be Stupified until they be Disfranchised: The People of *England* are not so Ignorant and Illiterate, as they were when the Duke of *Cornwall* multiplied Burgeses, nor when the Abby-Lands, and the Ancient Rights, Prerogative and Authorities of Justice, were rescued out of the hands of the Pope and his Petty Tyrants.

27 Hen. 8.
Cap. 24.

Object. King *Hen.* the 8th. was not involved in War, and Espoused the Cause, and gave his People to understand his and their Common Interest; but the Nation is so Imbroyled with Wars Abroad, Factions, Plots and Conspiracies at Home, that his Majesty wants Leisure to Consider the many Inconveniencies that attend Him and his People, by not having the Defects of the Laws against *Simony* (and Buying and Selling Offices) supplied; and you know several in Authority under *Hen.* the 8th. were as Active as the King, to make the People sensible of their own Interest.

I An-

I Answer, The People are not so Ignorant and Illiterate at this time, but now all that are not willfully blind, see which side their *Bread* is *Butter'd* on: 'Tis thy Duty and mine, in our Private and Publick Devotions, to Pray for the King, and all that are put in Authority under him, that they may truly and indifferently Minister Justice and Maintain Truth; and we best Express our Christian Duties, when we in our particular Callings, Professions and Trades, be Serviceable Members of the State, as well as of the Church.

'Tis true, the King wants time to read, but His Majesty hath many Honourable and Worthy Persons in Authority under Him, that have Leisure enough, and what they conceive fit to be done for His Majesty's Service, they will undoubtedly Advise and Counsel His Majesty for the Best. All that Truly Love and Honour His Majesty, and heartily Desire and Wish the Prosperity of Him and His People, are for Extirpating such things as make Parties and Factions in Church and State. And seeing 'tis usual to describe such Criminals as go by different Names, and skulk to avoid Justice, I will according to the best of my Skill, discover a Symoniacal Parson, and an Office-Jobber, that they may be known and apprehended.

The

The Character of a Parson guilty of Symony.

He may be known by the extraordinary Pains he takes a little before he is to be examined by the Bishop or his Official; a poor Felon who has the Benefit of his Clergy, that can neither Write nor Read, is not harder put to his Shifts to learn his Neck-verse by Rote, than a Parson guilty of Symony is to fit himself for his Examination: And as soon as instituted and inducted, his whole Study and Business is, how to make most of his Benefice: And after that he is so taken up with Attending Courts of Justice, in Suits between him and his Parishoners, that he has much to do to escape the Penalties of the Law against Non-residency: When Overtures of Peace are made, he saith, Let the Law decide it, that his Successors may not blame him: And never makes any Agreement upon his own Terms, without a *Salvo jure* to his Successors, That they may place him in the List of their Benefactors: When he sees Complaint will be made of him to the Ordinary or Bishop at his Visitation, he has recourse to his Patron, and by Contrivance between his Patron and him, the Matter is hush'd up if possible; but in case it be not, their business is, by their Parties and Factions, to represent the Complaints, Schismatical Factions, and what not: His Flock are ever Bleeing for another Shepherd, as Lambs for want of their Dams; and if they are not to be found in their Neighbouring Shepherd's Fold, they are stray'd further and lost.

The Character of an Office-Jobber.

He is of a Religion uppermost, a most accomplish'd Temporizer; his Ambition hates to see any of his poor and beggarly Kindred, or to do any thing for them, until he hath robed them with Honour, Offices, and what not, at the Nations and Poor Petitioners Cost; or he is so Covetous, that he cares not what he gets, or how he gets, so he can but get and heap up Riches. He is always Poor, crying, *Give, Give*, but never satisfied with what is given. He will not serve any but in Matters wherein he can serve or gratifie himself; as little Credit is to be given to his Oaths, as to Whores Vows: He is true to no Government, yet Zealous in Appearance to serve every Government; but Water-man-like, Looks one way and Rows another. He hates all Loyal Services, which represent any worthy of a Liberal Reward; Especially such as are Poor and cannot purchase it. He is never without a *Jackball* to Forrage for him: When he meets a Man of Merit, he cries Shame no Provision is made for him; and when his Back is turned, he redicules him for a Fool, that serves his King and Country to the Prejudice of himself: For publick Business he accounts every bodies Work, and every bodies Business, to be no bodies in particular: But the proper Work of such as can serve Turns, and themselves at every Turn: His common Discourse is, Religion, Liberty and Property; But feeds so greedily on Pippins and Pigg stuffed with Guinea's, that he is Sloathful and Unactive to do his King and Country any manner of Service: His Complements are,

I am but one , and I will serve you if I can , or come again to-morrow and your Business shall certainly be done : And when you come in Expectation thereof , it is still to-morrow ; And at last when he has gratified whom he thinks fit, he tells you, He is Sorry he cannot Serve you : And if your Business happens to be done against his Will, he tells you how Serviceable he hath been to you : And that there is no Fee established for his extraordinary Care, Pains , and Expedition , but will take what you give him : In plain Terms, Nothing but weighty Presents, are weighty Reasons, can work him into a Frame or Disposition to do you a Just Favour, or Friendly Office ; by vertue of *Hocus Pocus Colore Officii* , he can Drein your Purse , Afflict your Mind and Body ; and do it so insensibly, that you may accuse him, but cannot recover any Satisfaction for the Loss and Damage you sustain. You may know him by the great number of Petitioners waiting at his Gate for Recommendations or Reports of their Services ; and when his Tricking is found out, and he is likely to fall under His Majesty's Displeasure , he of himself fairly acquits all Publick Employments, and becomes a Country-Gentleman, and there lives Great among his Neighbours, and treats them with all imaginable Courtesie and Civility, until they forget what manner of Man he was : And in process of Time sets up to be chosen a Member of Parliament : And if the People Elect him, he Acts his part like a Mountebank , to Gull the World with insipid Drugs and Medicines , of the Jesuits and *French King's* Composing. And search the Books and Files of his Receipts and Prescriptions, and his Coffers , and you will find who com-

composed his Medicines and *Lewis d'Ores* good Store.

In case Symoniacal Parsons, and Office-Jobbers, be such Dangerous Enemies to the King and his People, Were it not better to have a strict Scrutiny presently? For 'tis certain such as have purchased Benefices and Offices with the *Jesuits* or *French King's Money*, will serve their Turns; and such as have purchased with their own Money, will be upon the Spurs to re-imburse themselves; and both will act all for their own private Gain and Profit; but as little as may be for the true Honour and Interest of their King and Country: And the Proposals aforesaid are only for the time to come. Now admit an Office of Trust should become void, and a Worthy Good Man should succeed therein as proposed, if the Majority of Men in Office be Good, he may do a great deal of Good: But in case the Majority be such as came in by Money, Brocage, Favour or Affection; the Good will be but like a piece of New Cloth set upon an Old Garment, or New Wine put into Old Bottles; for the Bandittee of Office-Jobbers will make all honest Men very uneasie, who cannot wink at or dispense with such things as the Bandittee allow to be Good and Practicable.

Object.

I suppose the Government hath paid a great deal for the Learning of the most Ignorant Persons in Office; and if any of them do not understand their proper Work and Business at this time of day, they deserve to be kick'd out of Employment; and the Cunning will give over all their Tricks and Falla-

Answ.

cies, when the Gift or Disposition of Offices is settled as proposed, because they cannot make Friends or Parties with Offices in their Gift or Recommendation as they have done: And such as have done Good Service, are proposed to be taken Care of; so that the future Settlement proposed, will work a present Cure. But would the Lords-Justices, now in His Majesty's Absence, please to appoint special Commissioners to Examine and Enquire into the Behaviour and Qualifications of such as be suspected to misbehave themselves, or to be Ignorant of the Work and Business properly belonging to their Offices, undoubtedly upon the Reports of indifferent Commissioners so appointed, many and great Abuses would be discovered, which the Government might think fit and necessary presently to redress.

Object. Is it safe to have such Enquiry made at this time?

Answer. I humbly Conceive, That it would oblige and indebted the Generality of His Majesty's Loving and Dutiful Subjects, and none will be disobliged thereby, or Discontented at it, but Rotten or Gangreen'd Members or Branches, which must either be Dissected, or paired and scraped, that their Rust and Canker may not Corrupt the whole Body or Mass of Government, or hinder it to Thrive and Flourish.

Object. Would not this be better for Committees of the Two Houses of Parliament.

Answer. I humbly Conceive, That His Majesty and His People are best served and pleased, when Parliaments

ments ring least of Grievances; and the more Active Princes and Private Councils are, to find out and redress Abuses in the Intervals of Parliament, the less Work will Parliaments have when they meet, and their Councils will be more Free and undisturbed: And if the Commissioners appointed be not True and Trusty, the King and His Privy Council, or the Parliament, will find out their Roguery, for the Blot will be Hit some time or other, and then Woe be to such, if any there be, who like the Chief Priests and Elders, have abused the Ears of Government.

Now *Reader*, I beg of thee to be like the Bee, that Sucks her Honey where the Spider gathers her Poyson: I know by woful Experience, that the best things said and done, may, by Mercenary and ill Men, be wrested to wrong Purposes. I do assure thee, if any so wrest what I have done, or make ill Constructions thereof, it is their own Fault not mine: For I declare to thee in the Presence of Almighty God, unto whom all Hearts be open, all Desires known, and from whom no Secrets are hid, that I have no other End in publishing this to the World, but to Communicate such things to all that truly Love and Honour His Majesty, that they may improve my Talent for the Service of their King and Country. Was I under no Obligation of Oaths, Gratitude would oblige me to be as Serviceable as I may or can be to His Majesty; But being under the Obligation of Old and New Oaths, to do my King and Country the best Service I can in my Calling and Profession, I hope none that reads this, but will pardon my Infirmities. Do thou but read
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the Petition which the Lords and Commons of England in Parliament Assembled, presented to King Charles the First, and thou wilt find their Prayer in the Conclusion is, *That His Majesty would be Graciously Pleased, for the further Comfort and Safety of his People, to declare His Royal Will and Pleasure, That all Officers and Ministers shall serve him according to the Laws and Statutes of this Realm, as they tender the Honour of His Majesty, and the Prosperity of this Kingdom.* And were His now Majesty so served, there would be no Male-Contents, or Parties, or Factions, in Court or Country: Consequently Plots and Conspiracies would be at an end; and in all Parts of His Majesty's Realms and Dominions, the loud Acclamations of the People would be, *O King, Live for Ever.*

POSTSCRIPT.

UPON the Rumor and Report of a General Peace abroad, I did add this, Dear Countrymen, to let you see what will Unite and Settle us in Peace at Home, so that every Man may sit and enjoy himself under his own Vine free and undisturbed; unless the Generality of Free-holders and Free-men will not consider their own Interest. It is certainly a great Disparagement to Vertue and Learning it self, That those very things which only make Men useful in the World, should incline them to leave it: This ought never to be allowed to Good Men, unless the Bad had the same Moderation, and were willing to follow them into the Wilderness: For if the Good Contend to get out of Publick Employments, and live

live retiredly; and the Bad strive to get into Publick Places of Trust, the Affairs of Mankind are like to be in so ill a Posture, that even Good Men themselves will hardly be able to enjoy their very Retreats in Security.

What (with humble Submission) is more Injurious to the Government, than such in Commissions of Peace, as have the Fines and Forfeitures of Persons Convicted? What hinders the Increase of Fishermen, and fit Persons to be Sea-men and Marriners, but Tenants and Farmers to Vice Admirals and Justices of Peace, that under the Umbrage of Royalties of Fishing, Potch and Fish, and hinder such to follow the Trade of Fishing in Times of Peace, as would be free to go to Sea, and serve his Majesty, in Times of War? What puts Millers upon Grinding the Face of the Poor, by extorting unreasonable Toll or Moulder of them, But Lords of Royalties Letting their Mills to Farm at excessive Rent? What makes Stewards of Leets remiss to remove Nufances, But to have the same Presented over and over again? What makes Stewards of Liberties, and under Sheriffs, Pack Juries, and be remiss in their Turns or Leets, or the chief Duties of their Offices, But Dispensing with the Laws against Letting out their Bailiwicks to Farm? In short, What makes any in Office under the King, Guilty of undue Practices, But Patrons, Parsons, Judges, and others by their Example, Dispensing with the Laws against Symony, and Buying and Selling Places of Trust? Are not their Traditions Destructive to the Government? Have Good Men ought but Good Laws, and the due Execution thereof, to keep Ill Men within the Circle of Obedience? Are not Rewards the Golden Spur to Glory and

23 Hen. 6.
Cap. 10.
27 Hen. 8.
Cap. 24.

and all Noble Actions? Do not Rewards and Punishments misplaced, make a Weak and Tottering State? Did not King *Edward* the Third, as soon as he had opportunity, make void several Laws, to which his Consent was not Free; but Dissembled, to eschew some Eminent Dangers he foresaw might ensue, by his denying the same at that time: And was not the late Imposition of *Waterborne* Coals taken off, when the Poor, for want of Firing, destroyed and burned their Neighbours Pales and Hedges. And now having done my Duty, in giving my Brethren to understand their Grievances, and making Proposals for remedy hereof, I hope they will not be Lazy or Indiscreet, either in the Choise of fit Persons to represent them, nor in soliciting them to have things done for the Common Interest of the Crown and People; Remembring all Men are Mortal, and nothing but their Works follow them to their Grave, and after Death comes Judgment. *Vale.*

F I N I S.

